Gray, MacGregor in Dispute

By Donald P. Baker
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A warning about Watergate, which acting FBI Director L. Patrick Gray III telephoned less than three weeks after the burglary to Clark MacGregor, the President's campaign manager, was taken so lightly that MacGregor said he didn't even mention the subject of Gray's call to another presidential aide who was in the room at the time.

William E. Timmons, the President's congressional liaison chief, was in MacGregor's suite at the Newporter Inn (near San Clemente) when Gray called, but MacGregor said in an interview last week "I didn't bother" to tell about what Gray had said to anyone other than Mrs. MacGregor.

Both the timing and nature of Gray's call are in dispute and the warning is one of the many discrepancies now being investigated by the Watergate special prosecution force.

MacGregor said he received Gray's call about 11 p.m. (2 a.m. Washington time) on July 5, 1972. He never mentioned it to President Nixon because Gray "made no request to me" to tell the President and "nothing he said indicated that I should."

Gray told the Senate Select Committee on Presidential Campaign Activities that he called MacGregor at 10:51 a.m. (7:51 a.m. California time) on July 6, 1972, and that 37 minutes later, the President called him from San Clemente to congratulate the FBI for terminating a hijacking the previous day.

Gray testified that he told MacGregor that "I felt that people on the White House staff were careless and indifferent in their use of the CIA and FBI. I also expressed the thought that this activity was injurious to the CIA and FBI and that these White House people were wounding the President."

Gray said he asked MacGregor to "please inform the President and it is my best recollection that he (MacGregor) said he would handle it."

MacGregor said in the interview that at the time Gray said he called, MacGregor and his wife, Barbara, were swimming in the motel pool. He recalled that Herb Klein, then the President's communication director, and Mrs. Klein also were at poolside.

Klein, now a vice president of Metromedia, Inc., said through a spokesman this week that he remembered talking with the MacGregors at poolside that morning.

"And Clark mentioned something about getting a call from Pat Gray the previous night," Klein said. Klein said his conversation with MacGregor occurred between 7 and 7:30 a.m., just as Mr. and Mrs. Klein were check out of the motel.

To support his contention that the call was made the morning of July 6, Gray gave the Senate committee logs of the director's telephone calls, kept by an FBI clerk.

The logs indicate that Gray attempted to call MacGregor at 10:47 a.m. (7:47 a.m. California time) but that MacGregor was out, and that a "Mrs. Jablonski" took the message.

At 10:51 a.m. (7:51 a.m.), the log shows, Gray spoke to MacGregor in San Clemente via the White House switchboard.

The President called Gray at 11:25 a.m. (8:25 a.m. California time), a time that is not in dispute.

The special Watergate grand jury reportedly has heard from both R. E. Thompson, the FBI clerk who kept Gray's log, and Lea Jablonsky, a secretary who worked for MacGregor. Neither Thompson nor Miss Jablonsky would comment on the telephone call when contacted this week.

Both Gray and MacGregor also have testified before the Watergate grand jury.

A spokesman for Watergate Prosecutor Archibald Cox would not comment on any phase of the investigation.

Asked how he might explain the notations in Gray's log book, MacGregor said, "Gray testified to the (Senate Watergate) committee that he lied both to his friend, Sen. (Lowell) Weiker (R-Conn.) and (Henry E.) Petersen." Weicker is a member of the Senate Watergate committee and Petersen is an assistant atney general.

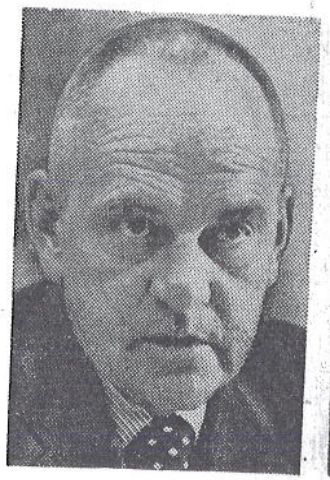
Gray said he called MacGregor just talked to Clark MacGregor and asked him to speak to you about this."

Gray said "there was a slight pause, and the President said, 'Pat, you just continue to conduct your aggressive and thorough investigation.' "

While MacGregor and Gray's testimony before the Senate committee differs on many points, it appears to be in agreement on Gray's statement that he would call the President after their meeting on the morning of July 6, and warn him of their mutual concern about a possible cover-up.

MacGregor, a five-term Republican congressman from Minnesota who now is a vice president of United Aircraft Corp., discussed the call in a deposition given last month in the Democrats civil action

Over Watergate Warning



L. PATRICK GRAY III

CLARK Mac GREGOR

. . . timing and nature of telephone call

paign,'" and MacGregor said, "I agree." He said Gray continued: "It may hurt him more seriously than you know, in the campaign," to which MacGregor answered, "That may well be true. You are conducting the investigation or supervising its progress and I am doing the political job."

Maurice R. Dunie, a lawyer for the Democratic National Committee, questioned MacGregor as to whether he had asked Gray what he meant when he said, "It may hurt the President more than you know."

MacGregor said no, adding: "During the 10 years that I served in Congress and the year and a half that I served as counsel to the President for congressional relations, from time to time I would receive telephone calls placed after midnight (MacGregor's version indicates Gray called about 2 a.m. Washington time).

"I had an established pattern of dealing with such calls. I would either indicate that they should put in writing what they were telling me on the phone or I would indicate when the caller could see me in person.

"It is my experience that 99.9 per cent of those post-midnight calls never produce any further contact. I applied that same practice to this call."

Dunie retorted, "even though this was the acting director of the FBI?" and MacGregor said, "even though it was the acting director of the FBI."

MacGregor elaborated on the incident this week, saying he didn't even bother to report the call to Timmons, the President's congressional liaison chief. "He was just leaving to retire when the phone rang," MacGregor said. MacGregor took the call in a different room of the suite, and when he hung up, he walked back to the sitting room where "Bill had his hand on the door knob, so we just said good night."

In addition to contesting the time of the call, Gray's attorney, Stephen Sachs, expressed outrage at what he interpreted as an insinuation by MacGregor that Gray was under the influence of alcohol when he placed the call.

MacGregor said his statement "doesn't imply anything other than what it says," although he added that Gray was agitated. "He repeated himself. I told him I'd be back in Washington in 24 hours, and he could call me then."

In his testimony before the Senate committee, Gray said "I don't drink" in explaining that he refused a drink offered by then-Attorney General Richard Kleindienst during a meeting with Kleindienst and Peterson.

Attorney Sachs described Gray as "a man who will take an occasional glass of wine with a meal." Several former associates of Gray's at the Justice Department concurred that Gray drinks little, if at all.

In his May 22 statement, the President recalled the telephone call this way:

"On July 6, 1972, I telephoned the acting director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day.

"During the conversation, Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with Gen. Walters. Mr. Gray said that he had and that Gen. Walters had assured him that the CIA was not involved.

"In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation."

In his same May 22 statement, the President said:

"With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up, and less to the reassurances."

Gray said he made no other attempt to contact the President because when he heard nothing more about his warning, "Frankly I came to the conclusion that Gen. Walters and I had been alarmists, a belief I held for many months.

Nixon called Gray only one other time in the year that Gray was acting head of the FBI, according to Gray's testimony. On March 23 of this year, Gray said the President called "in the nature of a buck-up call" during Gray's ill-fated Senate confirmation hearing.

Gray said he could not remember the precise words but Nixon said, "I know the beating you are taking up there, and it is very unfair and there will be another day to get back at our enemies and there will always be a place for you in the Nixon administration."

Gray thanked the President and "then I remembered him distinctly saying, 'You will recall, Pat, that I told you to conduct a thorough and aggressive investigation,' and I remembered that so distinctly because I had the eerie feeling that this was being said to me but why, and I related it immediately to the July 6th telephone conversation I had had with the President in the previous year."